

Assembly Bill No. 2066

CHAPTER 472

An act to amend Section 2800.2 of the Vehicle Code, relating to vehicles.

[Approved by Governor September 13, 1998. Filed
with Secretary of State September 14, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2066, Sweeney. Vehicles: peace officers: fleeing.

(1) Existing law makes it a misdemeanor, punishable by imprisonment in county jail for not more than 1 year, or a felony punishable by imprisonment in the state prison, or by a fine of not less than \$1,000 nor more than \$10,000, or by both that fine and imprisonment, for any person, while operating a motor vehicle and with the intent to evade, to willfully flee, or to otherwise attempt to evade a pursuing peace officer's motor vehicle or bicycle if certain conditions exist and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property.

This bill would require a sentence of imprisonment in state prison or confinement in county jail for this offense of not less than 6 months nor more than one year. To the extent that the bill would require the imposition of a sentence of imprisonment in state prison or a specified minimum term of confinement in a county jail, the bill would impose a state-mandated local program.

(2) Existing law provides in the Business, Transportation and Housing Agency for a Department of the California Highway Patrol and specifies its duties and powers.

This bill would authorize the department to undertake a statewide publicity campaign to convey to the citizens of this state the seriousness of the offense of fleeing a peace officer and the penalties associated with a violation, if specified moneys are provided to fund the campaign.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 2800.2 of the Vehicle Code is amended to read:

2800.2. (a) If a person flees or attempts to elude a pursuing peace officer in violation of Section 2800.1 and the pursued vehicle is driven in a willful or wanton disregard for the safety of persons or property, the person driving the vehicle, upon conviction, shall be punished by imprisonment in the state prison, or by confinement in the county jail for not less than six months nor more than one year. The court may also impose a fine of not less than one thousand dollars (\$1,000) nor more than ten thousand dollars (\$10,000), or may impose both that imprisonment or confinement and fine.

(b) For purposes of this section, a willful or wanton disregard for the safety of persons or property includes, but is not limited to, driving while fleeing or attempting to elude a pursuing peace officer during which time either three or more violations that are assigned a traffic violation point count under Section 12810 occur, or damage to property occurs.

SEC. 2. The Department of the California Highway Patrol may undertake a statewide publicity campaign to convey to the citizens of this state the seriousness of the offense of fleeing peace officers in violation of Section 2800.1 of the Vehicle Code and the penalties for violating that section as set forth in Sections 2800.2 and 2800.3 of the Vehicle Code. The department may undertake the publicity campaign only if grant funds or other moneys, that are in addition to the department's ongoing operating budget, are provided in sufficient amounts to fund the campaign.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

